

**WAUSHARA COUNTY BOARD OF CANVASSERS  
RECOUNT OF PRESIDENTIAL RACE  
PRESIDENTIAL/GENERAL ELECTION – NOVEMBER 8, 2016  
RECOUNT CONDUCTED DECEMBER 1, 2016-DECEMBER 7, 2016  
WAUSHARA COUNTY COURTHOUSE, WAUTOMA, WIS.  
ROOM 109**

**THURSDAY, DECEMBER 1, 2016, PROCEEDINGS**

The Waushara County Board of Canvassers convened at 9:00 a.m. for the purpose of recounting votes for president cast at the November 8, 2016, Presidential/General Election. On November 30, 2016, the Board of Canvassers' agenda was posted in the County Clerk's Office and on the County website, as well as emailed to the *Waushara Argus* and the Wisconsin Elections Commission (WEC).

**INTRODUCTIONS, OPENING COMMENTS AND ACTIONS**

County Clerk Melanie R. Stake made introductions of all those present. The Board consisted of County Clerk Stake (Republican), Marilynn Chesbrough (Republican), and Thomas Stepanek (Democrat). Mr. Stepanek, chair of the local Democratic Party, substituted for original Democratic canvass board member Patricia Cayer, who had a prior commitment. Tabulators/volunteers for December 1 were Deputy County Clerk Megan Kapp and those on the attached list. Observers are also listed on the attached. Corporation Counsel Ruth Zouski was in attendance until 10:15 a.m.

Clerk Stake outlined the rules for observers and instructions for tabulators and canvassers. All tabulators took and signed oaths of office. Stations consisted of poll book reconciliation, absentee certification envelope/paperwork review and ballot counting/tallying.

**RECOUNT RESULTS**

**VILLAGE OF HANCOCK, WARD 1**

<b>Candidate</b>	<b>Original Vote Total</b>	<b>Recount Vote Total</b>
Trump	114	114
Clinton	65	65
Castle	0	0
Johnson	9	9
Stein	3	3
Moorehead	0	0
De La Fuente	0	0
McMullin (registered write-in)	2	2
Scattering	0	2

*Total Ballots Cast: 196 (includes 1 undervote)*

*Number of Electors From Poll Book: 196*

*Number of Absentees on Poll List: 13*

*Number of Absentee Ballots: 13*

*Other Items Not Noted Previously:* Ballot bag #00036926 was opened; ballot bags #00036914 and #00075491 (for one of the prelat rolls that was accidentally left out of ballot bag #00036914) were used to re-secure the ballots. Village officials had reported 14 absentee voters/votes originally, but the poll list and all absentee materials showed evidence of 13. Poll book anomalies were: The number 1 was written next to Ethan Schuelke's name on the county copy of the poll book, but there was no signature next to the name, suggesting he did not vote. Lisa Ertl was listed as voter #1 on both copies of the poll book.

### **TOWN OF HANCOCK, WARD 1**

<b>Candidate</b>	<b>Original Vote Total</b>	<b>Recount Vote Total</b>
Trump	198	198
Clinton	89	89
Castle	6	6
Johnson	5	5
Stein	0	0
Moorehead	0	0
De La Fuente	0	0
McMullin (registered write-in)	2	2
Scattering	0	0

*Total Ballots Cast:* 302 (includes 2 undervotes)

*Number of Electors From Poll Book:* 302

*Number of Absentees on Poll List:* 22

*Number of Absentee Ballots:* 22

*Other Items Not Noted Previously:* Ballot bag #00036969 was opened; ballots were re-secured using ballot bag #00036915.

### **TOWN OF RICHFORD, WARDS 1&2**

<b>Candidate</b>	<b>Original Vote Total</b>	<b>Recount Vote Total</b>
Trump	172	172
Clinton	50	50
Castle	1	1
Johnson	10	10
Stein	0	0
Moorehead	0	0
De La Fuente	0	0
McMullin (registered write-in)	0	0
Scattering	0	1

*Total Ballots Cast:* 237 (includes 3 undervotes)

*Number of Electors From Poll Book:* 237

*Number of Absentees on Poll List:* 21

*Number of Absentee Ballots:* 21

*Other Items Not Noted Previously:* Ballot bag #00036938 was opened. It was slightly damaged, but not enough to get ballots into or out of the bag. Ballots were re-secured using ballot bag #00075492. Absentee ballot certificate envelopes for John Lindberg (marked Exhibit #1) and Robin Lindberg (marked Exhibit #2) both had the witness address in the wrong place: next to the witness name/signature instead of on its own separate line. The Board unanimously upheld the municipality's original decision to accept the envelope, since the witness address was still present, just in the wrong spot. A discrepancy between the county and municipal copies of the poll book was also noted; a voter listed as #123 in the county copy was incorrectly designated as voter #100 in the municipal copy.

### RECESS AND RECONVENE

The Board of Canvassers recessed at 11:30 a.m. for lunch and reconvened at 12:15 p.m.

### VILLAGE OF WILD ROSE, WARD 1

Candidate	Original Vote Total	Recount Vote Total
Trump	183	184
Clinton	132	132
Castle	0	0
Johnson	10	10
Stein	4	4
Moorehead	1	1
De La Fuente	0	0
McMullin (registered write-in)	0	0
Scattering	0	6

*Total Ballots Cast:* 339 (includes 2 undervotes)

*Number of Electors From Poll Book:* 339

*Number of Absentees on Poll List:* 55

*Number of Absentee Ballots:* 54\*

*Other Items Not Noted Previously:* Ballot bag #00036978 was opened. Ballots were re-secured using ballot bag #00075493. \*The poll book, absentee log and the number of accepted absentee certificate envelopes counted all reflected 55 absentee voters, but only 54 ballots could be identified as probable absentees. The total number of paper ballots overall (58) did agree with what was reported on the EL-104 Inspectors' Statement. Three voters with name or address changes that had to complete new registration forms were assigned numbers in the actual poll list when they should have been noted on the supplemental list only.

On Election Day, poll workers missed counting and/or reporting one paper ballot vote for Trump. Thus, **Trump gained one vote.**

**VILLAGE OF COLOMA, WARD 1**

<b>Candidate</b>	<b>Original Vote Total</b>	<b>Recount Vote Total</b>
Trump	146	146
Clinton	70	70
Castle	0	0
Johnson	8	8
Stein	0	0
Moorehead	0	0
De La Fuente	1	1
McMullin (registered write-in)	0	0
Scattering	0	2

*Total Ballots Cast: 229 (includes 2 undervotes)*

*Number of Electors From Poll Book: 229*

*Number of Absentees on Poll List: 20*

*Number of Absentee Ballots: 20*

*Other Items Not Noted Previously:* Ballot bag #00036929 was opened. Ballots were re-secured using ballot bag #00075494.

**TOWN OF COLOMA, WARD 1**

<b>Candidate</b>	<b>Original Vote Total</b>	<b>Recount Vote Total</b>
Trump	234	234
Clinton	123	123
Castle	0	0
Johnson	9	9
Stein	4	4
Moorehead	0	0
De La Fuente	1	1
McMullin (registered write-in)	1	1
Scattering	0	2

*Total Ballots Cast: 377 (includes 3 undervotes)*

*Number of Electors From Poll Book: 377*

*Number of Absentees on Poll List: 55*

*Number of Absentee Ballots: 55*

*Other Items Not Noted Previously:* Ballot bag #00036908 was opened. Ballots were re-secured using ballot bag #00075495. One absentee ballot lacked a printed reverse side of the ballot. Instead, on the reverse of the ballot, there was handwriting indicating "Town of Coloma" and "Absentee," and in the same hand, the town clerk initialed as having issued the ballot. The Board confirmed that the handwriting and initials on the reverse of the ballot matched the initials on ballots with properly printed reverse sides. Therefore, the Board unanimously chose to uphold the municipal poll workers' Election Day decision to accept/count the faulty ballot.

**TOWN OF OASIS, WARD 1**

<b>Candidate</b>	<b>Original Vote Total</b>	<b>Recount Vote Total</b>
Trump	157	157
Clinton	76	76
Castle	1	1
Johnson	3	3
Stein	0	0
Moorehead	0	0
De La Fuente	1	1
McMullin (registered write-in)	0	0
Scattering	0	1

*Total Ballots Cast:* 242 (includes 2 undervotes and 1 overvote)

*Number of Electors From Poll Book:* 242

*Number of Absentees on Poll List:* 18

*Number of Absentee Ballots:* 18

*Other Items Not Noted Previously:* Ballot bag #00036897 was opened. Ballots were re-secured using ballot bag #00075496. Absentee voters were not identified as such on the municipality's copy of the poll book. The absentee ballot log did not denote Arlan Ferguson's ballot as being returned; however, a used certificate envelope was present and appeared to have been accepted.

**TOWN OF AURORA, WARD 1**

<b>Candidate</b>	<b>Original Vote Total</b>	<b>Recount Vote Total</b>
Trump	378	378
Clinton	155	155
Castle	5	5
Johnson	13	13
Stein	2	2
Moorehead	1	1
De La Fuente	0	0
McMullin (registered write-in)	0	0
Scattering	0	4

*Total Ballots Cast:* 561 (includes 3 undervotes)

*Number of Electors From Poll Book:* 561

*Number of Absentees on Poll List:* 41

*Number of Absentee Ballots:* 41

*Other Items Not Noted Previously:* Ballot bag #00036912 was opened. Ballots were re-secured using ballot bag #00075497.

**RECESS**

The Board of Canvassers' recount proceedings recessed for the day at 4 p.m.

**FRIDAY, DECEMBER 2, 2016, PROCEEDINGS**

The Waushara County Board of Canvassers convened at 9:03 a.m. On December 1, 2016, the Board of Canvassers' original agenda – and amended agenda – were posted in the County Clerk's Office and on the County website, as well as emailed to the *Waushara Argus* and the Wisconsin Elections Commission (WEC).

**INTRODUCTIONS, OPENING COMMENTS AND ACTIONS**

County Clerk Melanie R. Stake made introductions of all those present. The Board consisted of County Clerk Stake (Republican), Marilyn Chesbrough (Republican), and Patricia Cayer (Democrat). Tabulators/volunteers for December 2 were Deputy County Clerk Megan Kapp and those on the attached list. Observers are also listed on the attached.

Clerk Stake outlined the rules for observers and instructions for tabulators and canvassers. All tabulators took and signed oaths of office. Stations consisted of poll book reconciliation, absentee certification envelope/paperwork review and ballot counting/tallying.

The Board was unanimous in its decision to recount by hand the votes that were originally cast using optical scan machines in the Town of Marion and City of Wautoma. Rather than work later on Friday, the Board also clarified that it would meet on Saturday, December 3, beginning at 9 a.m.

**RECOUNT RESULTS****TOWN OF BLOOMFIELD, WARDS 1&2**

<b>Candidate</b>	<b>Original Vote Total</b>	<b>Recount Vote Total</b>
Trump	420	420
Clinton	113	113
Castle	4	4
Johnson	17	17
Stein	6	6
Moorehead	0	0
De La Fuente	0	0
McMullin (registered write-in)	2	2
Scattering	0	2

*Total Ballots Cast:* 567 (includes 3 undervotes)

*Number of Electors From Poll Book:* 567

*Number of Absentees on Poll List:* 49

*Number of Absentee Ballots:* 49

*Other Items Not Noted Previously:* Ballot bag #00036911 was opened. Ballots were re-secured using ballot bag #00075499. An absentee ballot certificate envelope for Catherine Roemer (marked Exhibit #3) had the witness signature and address on Line 2 in the Certification of

Witness section of the envelope instead of the signature on Line 1; the witness address was then on the line below. The Board unanimously upheld the municipality's original decision to accept the envelope, since the information was still available, just in the wrong spot. Discrepancies between the county and municipal copies of the poll book were also noted. Specifically, there was no supplemental list associated with the town's copy, and four voters were not marked as voting on the town's copy, but were marked (and the voters had signed next to their names as well) on the county copy. These voters were Karin Macijeski (#426), Thomas Poglud (#414), Wendy Saft (#561), and Adam Vtecht (#527).

### **TOWN OF PLAINFIELD, WARD 1**

<b>Candidate</b>	<b>Original Vote Total</b>	<b>Recount Vote Total</b>
Trump	183	182
Clinton	58	58
Castle	5	5
Johnson	6	6
Stein	3	3
Moorehead	0	0
De La Fuente	1	1
McMullin (registered write-in)	1	1
Scattering	0	1

*Total Ballots Cast: 258\* (includes 1 overvote)*

*Number of Electors From Poll Book: 258\**

*Number of Absentees on Poll List: 19\**

*Number of Absentee Ballots: 19\**

*Other Items Not Noted Previously:* Ballot bag #00036894 was opened. Ballots were re-secured using ballot bag #00075500. Poll book reconciliation found the following issues: Voter #88 had not signed the poll book. Absentee voters were not detailed as such on the municipality's copy of the poll book. One of the 42 paper ballots (marked Exhibit #5) in the ballot bag contained an overvote for president, but it was not noted on the EL-104 Inspectors' Statement. \*An absentee certificate envelope for George J. Sherman (marked Exhibit #4) was accepted on Election Day, despite the fact that it was missing the voter's signature and the witness's signature and address. Therefore, the Board did a drawdown of the probable absentee ballots to address this oversight.

The ballot drawn (marked Exhibit #6) was a vote for Trump; therefore, ***Trump lost one vote.***

### **RECESS AND RECONVENE**

The Board of Canvassers recessed at 11:30 a.m. for lunch and reconvened at 12:15 p.m.

**TOWN OF SPRINGWATER, WARDS 1&2**

<b>Candidate</b>	<b>Original Vote Total</b>	<b>Recount Vote Total</b>
Trump	466	466
Clinton	279	279
Castle	5	5
Johnson	22	22
Stein	7	7
Moorehead	1	1
De La Fuente	0	0
McMullin (registered write-in)	4	4
Scattering	0	4

*Total Ballots Cast:* 795 (includes 6 undervotes, 1 overvote)

*Number of Electors From Poll Book:* 795

*Number of Absentees on Poll List:* 122

*Number of Absentee Ballots:* 122

*Other Items Not Noted Previously:* Ballot bag #00036813 was opened. Ballots were re-secured using ballot bag #00075530. Some irregular ballots were reviewed. Two ballots determined to have been cast at the polls (due to initials of a poll worker – not the municipal clerk – being present) had only one set of initials. Another ballot was marked for Clinton and had Clinton written in as well (originally counted as 1 vote for Clinton). Yet another ballot had a distinct mark for Trump and a faded/erased mark for Johnson (originally counted as a vote for Trump); and another ballot had Paul Ryan/Michael Pence written in (originally counted as scattering). The Board unanimously upheld the Election Day results as previously described.

**TOWN OF DEERFIELD, WARD 1**

<b>Candidate</b>	<b>Original Vote Total</b>	<b>Recount Vote Total</b>
Trump	240	240
Clinton	144	144
Castle	2	2
Johnson	20	20
Stein	0	0
Moorehead	1	1
De La Fuente	0	0
McMullin (registered write-in)	2	2
Scattering	0	5

*Total Ballots Cast:* 416 (includes 2 undervotes)

*Number of Electors From Poll Book:* 416

*Number of Absentees on Poll List:* 43

*Number of Absentee Ballots:* 43



*Other Items Not Noted Previously:* Ballot bag #00036905 was opened. Ballots were re-secured using ballot bag #00075529. Absentee certificate envelopes for Jacqueline and Kelly Lindow (marked Exhibits #7 and #8, respectively) were both missing the witness address. The envelopes were accepted on Election Day. The voters signed as witnesses for each other, and according to the return label on the envelope, they reside at the same address, which is included on the section of the envelope the municipal clerk completes. Since the witness address could be easily ascertained from the available information, the Board unanimously accepted the envelopes.

### **TOWN OF SAXEVILLE, WARD 1**

<b>Candidate</b>	<b>Original Vote Total</b>	<b>Recount Vote Total</b>
Trump	392	392
Clinton	179	179
Castle	3	3
Johnson	17	17
Stein	8	8
Moorehead	0	0
De La Fuente	1	1
McMullin (registered write-in)	5	5
Scattering	0	5

*Total Ballots Cast:* 612 (includes 2 undervotes)

*Number of Electors From Poll Book:* 612

*Number of Absentees on Poll List:* 54

*Number of Absentee Ballots:* 54

*Other Items Not Noted Previously:* Ballot bag #00036946 was opened. Ballots were re-secured using ballot bag #00075531. Three absentee certificate envelopes were reviewed: John VanAmerongen's (marked as Exhibit #9) witness address was mostly illegible and without a city or ZIP code. The town clerk was able to decipher the address and fill in the blanks. Voter Thomas Catlin (envelope marked as Exhibit #10) signed on both the voter signature line and the witness signature line. His wife then signed beneath him on the witness address line and did not provide an address. However, the town clerk knew them to be husband and wife and residing at the same address. The address was noted in the municipal clerk's section of the envelope, so it was easily determined. Raymond Wachsmuth (envelope marked as Exhibit #11) likewise signed on the voter signature and witness signature lines, but his witness signed directly above him in the witness section. The Board unanimously chose to uphold the municipality's Election Day decisions to accept these three envelopes for reasons already explained.

### **TOWN OF WARREN, WARD 1**

The poll book was reconciled without incident. When ballot bag #00036934 was opened, however, the voter-verified paper trail was not rolled, making it extremely difficult to handle the paper and read off votes. The paper was tangling and had to be cut in several places. Since the votes could not quickly/easily be counted, the Board decided to reseal the ballots with ballot bag #00075532 and proceed with untangling and counting ballots the following day.

**RECESS**

The Board of Canvassers' recount proceedings recessed for the day at 4:45 p.m.

**SATURDAY, DECEMBER 3, 2016, PROCEEDINGS**

The Waushara County Board of Canvassers convened at 9:03 a.m. On December 2, 2016, the Board of Canvassers' agenda was posted in the County Clerk's Office and on the County website, as well as emailed to the *Waushara Argus* and the Wisconsin Elections Commission (WEC).

**INTRODUCTIONS, OPENING COMMENTS AND ACTIONS**

County Clerk Melanie R. Stake made introductions of all those present. The Board consisted of County Clerk Stake (Republican), Marilynn Chesbrough (Republican), and Patricia Cayer (Democrat). Tabulators/volunteers for December 3 were Deputy County Clerk Megan Kapp and those on the attached list. Observers are also listed on the attached.

Clerk Stake outlined the rules for observers and instructions for tabulators and canvassers. All tabulators took and signed oaths of office. Stations consisted of poll book reconciliation, absentee certification envelope/paperwork review and ballot counting/tallying.

**RECOUNT RESULTS****CITY OF WAUTOMA, WARDS 1-3**

<b>Candidate</b>	<b>Original Vote Total</b>	<b>Recount Vote Total</b>
Trump	431	431
Clinton	285	286
Castle	6	6
Johnson	21	21
Stein	9	9
Moorehead	0	0
De La Fuente	0	0
McMullin (registered write-in)	0	1
Scattering	0	6

*Total Ballots Cast:* 766\* (includes 6 undervotes)

*Number of Electors From Poll Book:* 766\*

*Number of Absentees on Poll List:* 117\*

*Number of Absentee Ballots:* 117\*

*Other Items Not Noted Previously:* Ballot bags #00036983 (containing counted ballots) and #00036904 (containing spoiled ballots that were delivered to the County Clerk's Office unsecured the day after the election and were secured by Clerk staff) were opened. Ballots were re-secured using ballot bag #00075490.

There were problems with assigning/recording voter numbers in the poll book on Election Day. The problem was rectified prior to the recount by city employees when they were recording voter participation in WisVote. Due to numbers being skipped, the last voter number issued was 762, when, in fact, 765 people were marked as having voted in the poll books.

The optical scan machine tapes from Election Day indicated that there were 8 scattering votes, but none of these votes were detailed on the tally sheet, so it could not be determined if any of these were for registered write-in candidates. The hand-count recount identified that one was for McMullin, so a vote was recorded for that candidate.

Tabulators had difficulty identifying probable absentee ballots. Ballots (marked Exhibit #12 and #15-20) were initialed once in the spot normally used by Election Day workers, but bore the initials of office staff who issued *absentee* ballots. These ballots also had creases consistent with having been folded and placed in an absentee certificate envelope. It was determined that all these were absentee ballots that were simply initialed in the wrong spot. Another ballot (marked Exhibit #13) was initialed once in the spot for Election Day ballots, but, in the spot for initialing absentee ballots, also bore the initials of two workers who conducted voting in assisted living facilities. This was also determined to be an absentee ballot.

Twenty-eight absentee certificate envelopes from assisted living facilities were found to lack the witnesses' address. Since these witnesses were City of Wautoma personnel who conducted voting in the assisted living facilities, the Board unanimously declared that the envelopes should be accepted and the ballots counted as they were on Election Day, since voters should not be held liable for election workers' errors. Since there were so many envelopes, these were not marked with an "Exhibit" sticker, but were bound together and returned to their carrier envelope.

A rejected absentee ballot was scrutinized (marked Exhibit #21). According to the EL-104 Inspectors' Statement, it was rejected due to the ballot lacking the initials of city staff who issued it. However, the (optical scan) ballot was clearly an original (not photocopied) ballot, appearing like all other city ballots, and voter Julie Vargas had properly marked the ballot and properly completed the absentee certificate envelope (marked Exhibit #14). Based on the logic that a voter should not be held liable for an election worker's errors, the Board unanimously decided to count the ballot. \*Thus, the number of voters and ballots increased from 765 to 766, and the number of absentee voters increased from 116 to 117.

A ballot with a write-in for Clinton/Pence was reviewed (marked Exhibit #22). It was unclear whether the vote for president took precedence and a vote should be awarded to Democrat Clinton, or due to a Republican vice presidential candidate being named alongside her, if the vote was a scattering. Machines on Election Day would have counted the ballot as a scattering. Tabulators and the Board reviewed several WEC documents, including a November 2, 2016, memo titled "Counting Write-in Votes for President and Vice President Candidates," but the combination of factors present on the ballot were not specifically addressed in the memo. County Clerk Stake called the WEC and spoke with Elections Specialist Richard Rydecki. He stated that if a poll worker had asked on Election Day how to count the vote, he would have advised him/her to put it in scattering. It was thus unanimously decided by the Board, that the vote should remain in scattering, due to the incorrect - and mixed party - combination of the write-in candidates.

As a result of the recount/review, ***Clinton gained one vote, and registered write-in McMullin gained one vote.***

**TOWN OF WARREN, WARD 1**

<b>Candidate</b>	<b>Original Vote Total</b>	<b>Recount Vote Total</b>
Trump	203	203
Clinton	115	115
Castle	2	2
Johnson	7	7
Stein	5	5
Moorehead	0	0
De La Fuente	0	0
McMullin (registered write-in)	0	0
Scattering	0	2

*Total Ballots Cast:* 335 (includes 1 undervote)

*Number of Electors From Poll Book:* 335

*Number of Absentees on Poll List:* 20

*Number of Absentee Ballots:* 20

*Other Items Not Noted Previously:* Ballot bag #00075532 was opened. Ballots were re-secured using ballot bag #00075533. Besides the touch-screen ballots being very tangled and difficult to work with, there were no further incidents/problems.

**RECESS**

The Board of Canvassers' recount proceedings recessed for the day at 11:25 a.m.

**MONDAY, DECEMBER 5, 2016, PROCEEDINGS**

The Waushara County Board of Canvassers convened at 9 a.m. On December 3, 2016, the Board of Canvassers' agenda was posted in the County Clerk's Office and on the County website, as well as emailed to the *Waushara Argus* and the Wisconsin Elections Commission (WEC).

**INTRODUCTIONS, OPENING COMMENTS AND ACTIONS**

County Clerk Melanie R. Stake made introductions of all those present. The Board consisted of County Clerk Stake (Republican), Marilynn Chesbrough (Republican), and Patricia Cayer (Democrat). At noon, Ms. Cayer had a prior commitment, so Democratic alternate Thomas Stepanek took her place at that time. Tabulators/volunteers for December 5 were Deputy County Clerk Megan Kapp and those on the attached list. Observers are also listed on the attached.

Clerk Stake outlined the rules for observers and instructions for tabulators and canvassers. All tabulators took and signed oaths of office. Stations consisted of poll book reconciliation, absentee certification envelope/paperwork review and ballot counting/tallying.

**RECOUNT RESULTS****TOWN OF MARION, WARDS 1-4**

<b>Candidate</b>	<b>Original Vote Total</b>	<b>Recount Vote Total</b>
Trump	753	753
Clinton	365	365
Castle	4	4
Johnson	36	36
Stein	7	7
Moorehead	2	2
De La Fuente	2	2
McMullin (registered write-in)	1	5
Scattering	0	13

*Total Ballots Cast: 1,193 (includes 6 undervotes)*

*Number of Electors From Poll Book: 1,193*

*Number of Absentees on Poll List: 222*

*Number of Absentee Ballots: 218\**

*Other Items Not Noted Previously:* Ballot bags #00036900 and #00036901 were opened. Ballots were re-secured using ballot bags #00075486 and #00075487.

Voter Loyal E. Gake (absentee certificate envelope marked Exhibit #23) had voted absentee but then passed away on October 23, 2016. At some point before the ballot was counted, Mr. Gake's spouse notified town officials that her husband had passed, so the absentee envelope was rejected. The event was not notated on the EL-104 Inspectors' Statement, however. In addition, the certificate envelope had not been placed in the larger "Certificate of Rejected Absentee Ballots" envelope, so the Board secured the certificate/ballot in the larger envelope and signed it.

Absentee certificate envelopes for Edward Towle and Janet Arveson (marked Exhibits #25 and #26, respectively), which had been cast in person, had the town clerk's signature on the witness signature line, but for address only "Clerk" had been notated. The envelopes were accepted on Election Day, and the Board unanimously chose to uphold this decision, since clerical error on the part of election officials should not be held against the voter.

\*Because remade absentee ballots were not properly identified (and these ballots bore election inspectors' initials instead of those of the municipal clerk who issued the original ballots), tabulators could only identify 218 of the 222 absentee ballots. One ballot (marked Exhibit #24) was initialed by the town clerk in the spot for Election Day ballots instead of in the absentee spot. It was placed in the count for probable absentee ballots.

The town clerk also noted that two "permanently" overseas electors happened to be in town during the in-person absentee period, and voted a federal-only ballot in person.

The optical scan machine tapes from Election Day indicated that there were 16 scattering votes, but election inspectors/the town clerk had only reported *one* as belonging to registered write-in McMullin. The hand count, however, showed *five* votes for McMullin.

Some ballots of questionable voter intent were reviewed. The ballot marked Exhibit #27 had the circle filled in for Clinton, but had Ted Cruz written in. Because the circle next to the area for a write-in vote had not been filled in, the optical scan machine would not have picked up the write-in vote; the vote would have been counted for Clinton. However, it was noted that the circle did not need to be filled in for a write-in vote to count; the act of writing in a candidate was enough, and, when determining voter intent, write-in votes took precedence over votes for ballot candidates. Therefore, the Board unanimously voted to count the vote as a scattering for Cruz.

On the ballot marked Exhibit #28, the voter had drawn his/her own circle and filled it in to the *right* of Clinton's name. The machines look for filled-in circles to the *left* of candidates' names. Therefore, the machine likely would have viewed it as an undervote for the office of president. Since these optical scan voting machines do not report undervotes, this could not be confirmed, however. The Board was unanimous in its decision to count the ballot as a vote for Clinton.

As a result of the recount/review, registered write-in **McMullin gained four votes**. Clinton's votes remained the same, since one of the Board's findings removed a vote for Clinton, while the other added a vote for Clinton.

#### **TOWN OF MT. MORRIS, WARDS 1&2**

<b>Candidate</b>	<b>Original Vote Total</b>	<b>Recount Vote Total</b>
Trump	442	442
Clinton	230	230
Castle	3	3
Johnson	18	18
Stein	1	1
Moorehead	0	0

De La Fuente	0	0
McMullin (registered write-in)	6	6
Scattering	0	5

*Total Ballots Cast:* 710 (includes 4 undervotes and 1 overvote)

*Number of Electors From Poll Book:* 710

*Number of Absentees on Poll List:* 70

*Number of Absentee Ballots:* 70

*Other Items Not Noted Previously:* Ballot bags #00036898 and #00036899 were opened. Ballots were re-secured using ballot bag #00075488. Only ballot bag #00036898 had been recorded on the EL-104 Inspectors' Statement.

Absentee voter Randall Schwalbach (certificate envelope marked Exhibit #29), had cast his ballot in person, and the town clerk, as witness, had signed the envelope, but had only written "Clerk" for a witness address. The envelope was accepted on Election Day, and the Board unanimously chose to uphold this decision, since clerical error on the part of election officials should not be held against the voter.

Issues with the poll books were identified. The absentee voters were not recorded with that designation in the municipality's copy of the poll book. Voter Stan E. Ewan did not sign the poll book as required. Voter Darrel Sprenger, who had a new address, re-registered and was on the supplemental list, but election inspectors also had him sign/had added a number next to his name on the pre-printed poll book. Some absentee voters on the supplemental list were not designated as having voted absentee.

### **RECESS AND RECONVENE**

The Board of Canvassers recessed at 11:30 a.m. for lunch and reconvened at 12:15 p.m.

### **VILLAGE OF PLAINFIELD, WARD 1**

When the Board went to open ballot bag #00036974, it was found to be easily opened, with the blue tamper evident strip almost completely missing. County Clerk Stake immediately secured the entire bag in ballot bag #00075489, pending contacting the municipal clerk to inquire what could have happened.

### **TOWN OF DAKOTA, WARDS 1&2**

<b>Candidate</b>	<b>Original Vote Total</b>	<b>Recount Vote Total</b>
Trump	377	377
Clinton	139	139
Castle	1	1
Johnson	11	11
Stein	5	5
Moorehead	0	0



De La Fuente	0	0
McMullin (registered write-in)	0	0
Scattering	0	2

*Total Ballots Cast:* 540 (includes 5 undervotes)

*Number of Electors From Poll Book:* 540

*Number of Absentees on Poll List:* 41

*Number of Absentee Ballots:* 41

*Other Items Not Noted Previously:* Ballot bag #00036906 was opened. Ballots were re-secured using ballot bag #00075572.

One ballot (marked Exhibit #30), was not initialed. However, "Town of Dakota" was written on the back of the ballot in handwriting Clerk Stake knew to be the town clerk's handwriting. Motion by Stake, seconded by Chesbrough to count the ballot, since it had been counted on Election Day, the handwriting belonged to the town clerk (indicating that was a legitimate ballot originating from the town), and a voter should not be punished for a clerical error. Motion carried with Stepanek voting against.

The only other item of note was that town resident Jeffrey Warnke had requested a ballot for all elections in 2016, and was therefore issued a ballot for the presidential election. Since he had passed away on August 19, 2016, his absentee mailing was returned to the town clerk, unopened, after the election. This mailing was placed in a "Certificate of Rejected Absentee Ballots" envelope, which the Board then secured and signed.

### **TOWN OF POY SIPPL, WARD 1**

<b>Candidate</b>	<b>Original Vote Total</b>	<b>Recount Vote Total</b>
Trump	332	331
Clinton	131	131
Castle	7	7
Johnson	12	12
Stein	1	1
Moorehead	0	0
De La Fuente	0	0
McMullin (registered write-in)	0	0
Scattering	0	2

*Total Ballots Cast:* 488\* (includes 4 undervotes)

*Number of Electors From Poll Book:* 488\*

*Number of Absentees on Poll List:* 30

*Number of Absentee Ballots:* 30

*Other Items Not Noted Previously:* Ballot bag #00036935 was opened. Ballots were re-secured using ballot bag #00075510.

An absentee certificate envelope for Brian McCue was reviewed. The signature on the envelope was a faint "X" mark. There was no indication that the elector had been assisted in voting the ballot, though, which was unusual considering that the signature was completed with apparent difficulty. However, since a signature can be anything, and the envelope was originally accepted by election officials, the Board unanimously decided to consider the envelope signed/properly completed.

A paper ballot (marked Exhibit #31) had been marked for Trump, that voted crossed off, and then marked for Johnson. The Board was unanimous in its decision that the voter intended to vote for Johnson.

County Clerk Stake noticed that the touch-screen ballots, instead of having the heading "Official Ballot," were designated as "Pre-Lat." However, the ballots were marked as having been cast on November 8, 2016, consistent with being official ballots. Stake immediately called the town clerk and asked if she could speak to what happened. The clerk did not know that anything was amiss, and didn't have an explanation for how this could have happened. Stake then called voting machine vendor Command Central. Staff there explained that municipalities are issued two cartridges per machine: a pre-lat cartridge and an official cartridge. The two cartridges are programmed identically, but clerks are supposed to use the pre-lat cartridge immediately upon receiving the cartridges (a couple weeks before the election) to make sure everything appears to be working and is programmed correctly. The official cartridge is used for the public test and on Election Day. It could be possible that the two cartridges were flip-flopped and it wasn't noticed by election officials.

In the presence of the Board, tabulators and observers, County Clerk Stake placed a call to WEC at approximately 3:20 p.m. and spoke with Elections Supervisor Ross Hein. Hein advised that the Board recount the ballots as usual and reconcile numbers to see if they made sense. He agreed that the cartridges likely were inadvertently switched, and reiterated that pre-lats and official cartridges were programmed identically.

When she was recording voter participation after the election, Deputy County Clerk Kapp had identified poll book problems. \*Though the last voter number assigned was 489, numbers 31 and 301 had been used twice, and numbers 32, 33 and 303 had been skipped. Therefore, the poll books only documented 488 voters, not 489. Both copies of the poll book contained the same errors, so nothing could be gleaned from the comparison. To complicate matters, 489 ballots were identified: 450 machine ballots and 39 paper ballots. As there cannot be more ballots than voters, a draw-down was performed.

The ballot drawn (marked Exhibit #32) was for Trump. As a result, ***Trump lost one vote.***

#### **CITY OF BERLIN, WARD 7**

Wards 1 through 6 of the City of Berlin are located in Green Lake County. Since voters from both counties share the same voting machines including the touch-screen machines – which generate voter-verified ballots on a continuous paper roll – Waushara County had to wait until Green Lake County was done recounting its portion of the ballots. During Green Lake County's recount, workers identified and separated Waushara's touch-screen ballots from the paper roll. City of

Berlin employee Susie Thom had delivered these touch-screen ballots to Waushara County's recount proceedings on December 2, 2016. They were delivered in a sealed envelope, but not in a tamper-evident ballot bag. Immediately upon delivery, County Clerk Stake had sealed the ballots in ballot bag #00075498 in the presence of the Board.

On December 5, 2016, tabulators opened ballot bags #00036918 (containing optical scan ballots) and #00075498 (containing touch-screen ballots and some spoiled optical scan ballots that had been forgotten when the city had delivered the rest of its Waushara County optical scan ballots on November 9, 2016).

Tabulators reconciled poll books and began determining total number of ballots. While Election Day totals and poll books indicated the total number of voters was 54, only 52 ballots were present: 11 touch screen ballots (consistent with the EL-104 Inspectors' Statement), and 41 optical scan ballots (two less than was indicated on the EL-104).

Stake recommended that the Board postpone proceedings for Berlin until she could get someone from the city to come and explain the discrepancy. All ballots were thus sealed in bag #00075511.

#### **RECESS**

The Board of Canvassers' recount proceedings recessed for the day at 4:25 p.m.

**TUESDAY, DECEMBER 6, 2016. PROCEEDINGS**

The Waushara County Board of Canvassers convened at 9:02 a.m. On December 5, 2016, the Board of Canvassers' agenda was posted in the County Clerk's Office and on the County website, as well as emailed to the *Waushara Argus* and the Wisconsin Elections Commission (WEC).

**INTRODUCTIONS, OPENING COMMENTS AND ACTIONS**

County Clerk Melanie R. Stake made introductions of all those present. The Board consisted of County Clerk Stake (Republican), Marilyn Chesbrough (Republican), and Patricia Cayer (Democrat). Tabulators/volunteers for December 6 were Deputy County Clerk Megan Kapp and those on the attached list. Observers are also listed on the attached.

Clerk Stake outlined the rules for observers and instructions for tabulators and canvassers. All tabulators took and signed oaths of office. Stations consisted of poll book reconciliation, absentee certification envelope/paperwork review and ballot counting/tallying.

**RECOUNT RESULTS****TOWN OF WAUTOMA, WARDS 1-3**

<b>Candidate</b>	<b>Original Vote Total</b>	<b>Recount Vote Total</b>
Trump	467	467
Clinton	241	241
Castle	2	2
Johnson	20	21
Stein	7	7
Moorehead	1	1
De La Fuente	0	0
McMullin (registered write-in)	4	4
Scattering	0	2

*Total Ballots Cast:* 748 (includes 3 undervotes)

*Number of Electors From Poll Book:* 748

*Number of Absentees on Poll List:* 64

*Number of Absentee Ballots:* 64

*Other Items Not Noted Previously:* Ballot bag #00036931 was opened. Ballots were re-secured using ballot bag #00075518.

The recount for touch-screen ballots associated with Edge voting machine #51638 did not match the totals at the end of the machine tapes. The town clerk immediately identified the problem, which had also been properly documented on Election Day on the EL-104 Inspectors' Statement. At some point on Election Day, the paper roll had been incorrectly installed in this machine, and because of this, several voter-verified paper ballots were not printed.

From a previous recount, County Clerk Stake knew that there was a way to retrieve this information from the machines. Stake called voting machine vendor Command Central. Command Central employee Sue Ann Heck emailed a list of codes (attached to these minutes) that would be needed to make sense of the retrieved encrypted information, and Command Central employee Mike Frericks walked the town clerk through the process of obtaining ballot information using an Edge machine, the original results cartridge, and running a Ballot Image Detail report. The information retrieved and recounted matched the original machine totals.

The only change to the Town of Wautoma's results was applying one vote for Gary Johnson. The candidate's name had been *written* in, and election inspectors had missed it on Election Day. The vote was transferred from scattering to Johnson's tally. Therefore, ***Johnson gained one vote.***

### RECESS AND RECONVENE

The Board of Canvassers recessed at 11:45 a.m. for lunch and reconvened at 12:15 p.m.

### **VILLAGE OF PLAINFIELD, WARD 1**

<b>Candidate</b>	<b>Original Vote Total</b>	<b>Recount Vote Total</b>
Trump	215	215
Clinton	149	148
Castle	1	1
Johnson	4	4
Stein	1	1
Moorehead	0	0
De La Fuente	0	0
McMullin (registered write-in)	0	0
Scattering	0	0

*Total Ballots Cast:* 374 (includes 3 undervotes, 1 overvote, 1 undetermined\*)

*Number of Electors From Poll Book:* 374

*Number of Absentees on Poll List:* 33

*Number of Absentee Ballots:* 33

*Other Items Not Noted Previously:* Ballot bag #00075489 was opened, which contained the original, partially sealed ballot bag #00036974 (marked Exhibit #34). Ballots were re-secured using ballot bag #00075513. In talking to the municipal clerk and retrieving a ballot bag from a previous election for comparison, County staff determined that election inspectors did not know how to seal the ballot bags correctly. Instead of tearing off the clear strip of the bag to expose the blue, sticky strip that secures the bag, election workers had been pulling off the entire blue strip, and "sealing" the bags with the minimal adhesive left behind. Clerk Stake will show the municipal clerk/election inspectors how to properly seal the bags, so this won't happen again.

The municipal copy of the poll book did not have its own supplemental list; just one copy of the supplemental list was kept.

Two paper ballots of questionable voter intent were reviewed by the Board. One had a clear mark for Trump, and a small, faint mark in a box for another candidate. The Board determined that the intent was a vote for Trump, and the other mark was an accidental scribble. \*Another ballot had marks for both Clinton and Moorehead. Due to the voter's inconsistent marks on other areas of the ballot (some were a messy asterisk, some were an "X," the Board could not determine for which candidate the voter intended to cast his/her ballot.

The result was ***one less vote for Clinton.***

### **VILLAGE OF REDGRANITE, WARDS 1-3**

<b>Candidate</b>	<b>Original Vote Total</b>	<b>Recount Vote Total</b>
Trump	247	247
Clinton	128	129
Castle	4	4
Johnson	8	8
Stein	8	8
Moorehead	1	1
De La Fuente	0	0
McMullin (registered write-in)	0	0
Scattering	0	1

*Total Ballots Cast:* 402 (includes 4 undervotes)

*Number of Electors From Poll Book:* 402

*Number of Absentees on Poll List:* 40

*Number of Absentee Ballots:* 40

*Other Items Not Noted Previously:* Ballot bag #00036923 was opened. Ballots were re-secured using ballot bag #00075514. An improperly rejected absentee ballot was found, along with its certificate envelope, in the "Certificate of Rejected Absentee Ballots" envelope. The voter's absentee certificate envelope was properly completed, and the ballot (marked Exhibit #35) did contain a properly cast ballot for president. Therefore, that ballot was added to the pool of ballots to be recounted.

The result was ***one additional vote for Clinton.***

### **VILLAGE OF LOHRVILLE, WARD 1**

<b>Candidate</b>	<b>Original Vote Total</b>	<b>Recount Vote Total</b>
Trump	122	122
Clinton	73	73
Castle	0	0
Johnson	6	6
Stein	3	3
Moorehead	1	1
De La Fuente	0	0

McMullin (registered write-in)	0	0
Scattering	0	0

*Total Ballots Cast:* 208 (includes 3 undervotes)

*Number of Electors From Poll Book:* 208

*Number of Absentees on Poll List:* 16

*Number of Absentee Ballots:* 16

*Other Items Not Noted Previously:* Ballot bag #00036925 was opened. Ballots were re-secured using ballot bag #00075515.

### **TOWN OF LEON, WARDS 1-3**

<b>Candidate</b>	<b>Original Vote Total</b>	<b>Recount Vote Total</b>
Trump	558	558
Clinton	241	239
Castle	5	5
Johnson	23	23
Stein	10	10
Moorehead	0	0
De La Fuente	0	0
McMullin (registered write-in)	0	0
Scattering	0	4

*Total Ballots Cast:* 842\* (includes 3 undervotes)

*Number of Electors From Poll Book:* 842\*

*Number of Absentees on Poll List:* 86\*

*Number of Absentee Ballots:* 86\*

*Other Items Not Noted Previously:* Ballot bag #00036903 was opened. Ballots were re-secured using ballot bag #00075516. \*Voter June M. Booth's absentee ballot certificate envelope (marked Exhibit #36) was not witnessed, but it appeared her envelope was accepted, and her ballot counted, on Election Day. Since it should not have been accepted/counted, a draw-down procedure was completed, with the ballot pulled (marked Exhibit #37) being a vote for Clinton.

It was also noted that of the eight ballots that were apparently faxed or emailed to voters, only six reverse sides of those ballots could be accounted for.

The recount resulted in **two less votes for Clinton**: one due to the draw-down, and one simply an error in counting and/or recording on Election Day.

### **RECESS**

The Board of Canvassers' recount proceedings recessed for the day at 4 p.m.

**WEDNESDAY, DECEMBER 7, 2016. PROCEEDINGS**

The Waushara County Board of Canvassers convened at 9 a.m. On December 6, 2016, the Board of Canvassers' agenda was posted in the County Clerk's Office and on the County website, as well as emailed to the *Waushara Argus* and the Wisconsin Elections Commission (WEC).

**INTRODUCTIONS, OPENING COMMENTS AND ACTIONS**

County Clerk Melanie R. Stake made introductions of all those present. The Board consisted of County Clerk Stake (Republican), Marilyn Chesbrough (Republican), and Patricia Cayer (Democrat). Tabulators/volunteers for December 7 were Deputy County Clerk Megan Kapp and those on the attached list. Observers are also listed on the attached.

Clerk Stake outlined the rules for observers and instructions for tabulators and canvassers. All tabulators took and signed oaths of office. Stations consisted of poll book reconciliation, absentee certification envelope/paperwork review and ballot counting/tallying.

**RECOUNT RESULTS****TOWN OF ROSE, WARDS 1&2**

<b>Candidate</b>	<b>Original Vote Total</b>	<b>Recount Vote Total</b>
Trump	204	204
Clinton	147	147
Castle	0	0
Johnson	9	9
Stein	2	2
Moorehead	0	0
De La Fuente	0	0
McMullin (registered write-in)	2	2
Scattering	0	0

*Total Ballots Cast:* 367 (includes 3 undervotes)

*Number of Electors From Poll Book:* 367

*Number of Absentees on Poll List:* 33

*Number of Absentee Ballots:* 33

*Other Items Not Noted Previously:* Ballot bag #00036877 was opened. Ballots were re-secured using ballot bag #00075517. Edge machine #29032's clock was incorrectly set, and was off by 12 hours. Therefore, ballots were dated November 7, 2016. Election inspectors were aware of the issue and had properly documented it on Election Day on the EL-104 Inspectors' Statement.

**CITY OF BERLIN, WARD 7**

<b>Candidate</b>	<b>Original Vote Total</b>	<b>Recount Vote Total</b>
Trump	35	34



Clinton	15	15
Castle	1	1
Johnson	2	1
Stein	0	0
Moorehead	0	0
De La Fuente	0	0
McMullin (registered write-in)	0	0
Scattering	0	1

*Total Ballots Cast: 52\**

*Number of Electors From Poll Book: 54\**

*Number of Absentees on Poll List: 8*

*Number of Absentee Ballots: 8*

*Other Items Not Noted Previously:* Ballot bag #00075511 was opened. Ballots were re-secured using ballot bag #00075519. \*On December 5, 2016, tabulators had discovered that, while Election Day tallies, machine report totals, and poll books indicated that the total number of voters and ballots was 54, only 52 ballots could be accounted for: 11 touch-screen ballots (consistent with the EL-104 Inspectors' Statement), and 41 optical scan ballots (two less than was indicated on the EL-104). County Clerk Stake had been in email contact with Sandy Peschke from the City of Berlin, and Ms. Peschke could not explain the missing ballots. She indicated that she had checked the voting bins for ballots, and none had been found there. On December 7, Susie Thom from the City of Berlin came to recount proceedings and had no explanation either.

Tabulators and the Board investigated several possible scenarios: that two Waushara County voters had been given incorrect ballots (unlikely, since ballots for Waushara were green and ballots for Green Lake County were white); that Waushara County ballots had been mixed in/counted with Green Lake County's ballots (but then the machine wouldn't have counted them correctly on Election Day); that the two spoiled ballots had not been remade (they *had* been remade, though; the remade ballots were identified/documented); and other possible scenarios. During the meeting, Clerk Stake also placed calls to the City of Berlin and spoke with Ms. Peschke again, and to Green Lake County Clerk Margaret Bostelmann, and no one could think of anything amiss either on Election Day or at Green Lake County's recount that could explain the two missing ballots.

Clerk Stake advised that, having exhausted all avenues of inquiry, all the Board could do was recount what they had. Due to the two missing optical scan ballots, ***Trump lost one vote, and Johnson lost one vote.***

### RECESS

The Board of Canvassers' recount proceedings recessed for the day at 11:15 a.m.

**FRIDAY, DECEMBER 9, 2016. PROCEEDINGS**

The Waushara County Board of Canvassers convened at 9 a.m. in the County Clerk's Office. On December 8, 2016, the Board of Canvassers' agenda was posted in the County Clerk's Office and on the County website, as well as emailed to the *Waushara Argus* and the Wisconsin Elections Commission (WEC).

The Board consisted of County Clerk Melanie R. Stake (Republican), Marilynn Chesbrough (Republican), and Patricia Cayer (Democrat).

**FINAL RECOUNT RESULTS**

The ultimate recount results were as follows: ***Trump, 7,667 (less 2); Clinton, 3,791 (less 1);*** Castle, 68 (no change); Johnson, 326 (no change); Stein, 96 (no change); Moorehead, 9 (no change); De La Fuente, 7 (no change). The only registered write-in receiving votes was ***McMullin, who had 37 votes in the recount (plus 5).*** Scattering, which under law does not have to be counted in most cases, had not been reported on Election Day. However, in the recount, it was determined that there were 73 scattering votes. Vote updates occurred in the following municipalities:

Town of Leon: Less 2 for Clinton  
Town of Marion: Plus 4 for McMullin  
Town of Plainfield: Less 1 for Trump  
Town of Poy Sippi: Less 1 for Trump  
Town of Wautoma: Plus 1 for Johnson  
Village of Plainfield: Less 1 for Clinton  
Village of Redgranite: Plus 1 for Clinton  
Village of Wild Rose: Plus 1 for Trump  
City of Berlin: Less 1 for Trump, less 1 for Johnson  
City of Wautoma: Plus 1 for Clinton, plus 1 for McMullin

**CERTIFICATION**

Clerk Stake had entered all the data in the WEC's canvass system. The Board reviewed the changes made throughout the recount proceedings and compared this to the new totals reflected on the recount canvass statement, and found the figures to be accurate.

The Board signed the Summary Statement and Certification of the Board of Canvassers for submission to the WEC.

There being no further business, the meeting thus adjourned at 9:15 a.m.

Recorded by,



Melanie R. Stake  
Waushara County Clerk